

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

FOREST JOHNSON,

Plaintiff,

Case No. 19-cv-13511

Hon. Matthew F. Leitman

v.

M. CARD, *et al.*,

Defendants.

**ORDER DENYING WITHOUT PREJUDICE PLAINTIFF'S
MOTION TO APPOINT COUNSEL (ECF No. 6)**

In this prisoner civil-rights action, Plaintiff Forest Johnson alleges that Defendants conspired to prevent him from finishing a drug treatment program that Johnson needed to complete in order to be eligible for an early release from prison. (*See* Compl., ECF No. 1.) Johnson has now requested that the Court appoint him counsel. (*See* Mot., ECF No. 6.)

Pursuant to 28 U.S.C. § 1915, “[t]he court *may* request an attorney to represent any person unable to afford counsel.” 28 U.S.C. § 1915(e)(1) (emphasis added). “Appointment of counsel in a civil case is not a constitutional right. It is a privilege that is justified only by exceptional circumstances.” *Lavado v. Keohane*, 992 F.2d 601, 605-06 (6th Cir. 1993) (internal quotations and citations omitted). *See also Lanier v. Bryant*, 332 F.3d 999, 1006 (6th Cir. 2003) (affirming order denying

prisoner's motion to appoint counsel in civil action). Relevant considerations include the type of case, the plaintiff's ability to represent himself, the complexity of the factual and legal issues involved, and the claim's relative merits. *See Lavado*, 992 F.2d at 605-06.

Here, Johnson has not yet established that "exceptional circumstances" warrant the appointment of counsel. Nor has he yet shown that he is unable to represent himself in this action. Thus, the Court is not yet persuaded that the appointment of counsel is necessary or appropriate at this time.

For all of the reasons stated above, Johnson's motion to appoint counsel (ECF No. 6) is **DENIED WITHOUT PREJUDICE**. Johnson may renew his motion, if appropriate, at a later stage of this litigation.

IT IS SO ORDERED.

s/Matthew F. Leitman
MATTHEW F. LEITMAN
UNITED STATES DISTRICT JUDGE

Dated: May 20, 2020

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on May 20, 2020, by electronic means and/or ordinary mail.

s/Holly A. Monda
Case Manager
(810) 341-9764